

EXHIBIT 4

GitHub Copilot litigation case updates get updates by email

contact legal team

We've filed a lawsuit challenging GitHub Copilot, an AI product that relies on unprecedented open-source software piracy.

Because AI needs to be fair & ethical for everyone.

NOVEMBER 3, 2022

Hello. This is Matthew Butterick. On October 17 I told you that I had teamed up with the amazingly excellent class-action litigators Joseph Saveri, Cadio Zirpoli, and Travis Manfredi at the Joseph Saveri Law Firm to investigate GitHub Copilot.

Today, we've filed a class-action lawsuit in US federal court in San Francisco, CA on behalf of a proposed class of possibly millions of GitHub users. We are challenging the legality of GitHub Copilot (and a related product, OpenAI Codex, which powers Copilot). The suit has been filed against a set of defendants that includes GitHub, Microsoft (owner of GitHub), and OpenAI.

Today's filings:

- Class-action complaint
- Class-action complaint: Appendix A
- Class-action complaint: Exhibit 1

By training their AI systems on public GitHub repositories (though based on their public statements, possibly much more) we contend that the defendants have violated the legal rights of a vast number of creators who posted code or other work under certain open-source licenses on GitHub. Which licenses? A set of 11 popular open-source licenses that all require attribution of the author's name and copyright, including the [MIT license](#), the [GPL](#), and the [Apache license](#). (These are enumerated in the appendix to the complaint.)

In addition to violating the attribution requirements of these licenses, we contend that the defendants have violated:

- GitHub's own terms of service and [privacy policies](#);
- [DMCA § 1202](#), which forbids the removal of copyright-management information;
- the [California Consumer Privacy Act](#);
- and other laws giving rise to related legal claims.

In the weeks ahead, we will likely amend this complaint to add other parties and claims.

This is the first step in what will be a long journey. As far as we know, this is the first class-action case in the US challenging the training and output of AI systems. It will not be the last. AI systems are not exempt from the law. Those who create and oper-

ate these systems must remain accountable. If companies like Microsoft, GitHub, and OpenAI choose to disregard the law, they should not expect that we the public will sit still. AI needs to be fair & ethical for everyone. If it's not, then it can never achieve its vaunted aims of elevating humanity. It will just become another way for the privileged few to profit from the work of the many.

We plan to update this website regularly during the litigation. Please join our [email list](#) for the latest.

NOVEMBER 10, 2022

We've filed a second class-action lawsuit in [US federal court](#) in San Francisco, CA on behalf of two additional plaintiffs. The defendants and claims are otherwise similar to the initial complaint filed on November 3.

Today's filings:

- [Class-action complaint](#)
- [Class-action complaint: Appendix A](#)
- [Class-action complaint: Exhibit 1](#)

Contacting us

If you're a member of the press or the public with other questions about this case or related topics, contact github_inquiries@saverilawfirm.com. (Though please don't

send confidential or privileged information.) More information about the background of this case is [available here](#).

This web page is informational. General principles of law are discussed. But neither Matthew Butterick nor anyone at the Joseph Saveri Law Firm is *your* lawyer, and **nothing here is offered as legal advice**. References to copyright pertain to US law. This page will be updated as new information becomes available.